

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:

FISHERIES RULES PERTAINING TO) Administrative Cause
GIZZARD SHAD, THREADFIN SHAD AND) Number 10-075D
ALEWIFE) (LSA Document #10-501(F))

**REPORT ON RULE PROCESSING, CONSIDERATION OF PUBLIC
COMMENTS, ANALYSIS AND RECOMMENDATION
REGARDING FINAL ADOPTION**

1. RULE PROCESSING

For consideration are proposed amendments to fisheries rules relating to gizzard shad, threadfin shad and alewife. Amendments proposed for 312 IAC 9-6-1 will alter the definition of cast net and add a definition of threadfin shad. The proposal would make changes related to the collection and use of gizzard shad, threadfin shad and alewife as bait at specified bodies of water at 312 IAC 9-6-8. Amendments are also proposed at 312 IAC 9-7-16 and 312 IAC 9-9-2 to address the use of cast nets for collecting fish and crayfish on the Ohio River

The Natural Resources Commission (*NRC*) granted preliminary adoption to the proposed rule amendments on May 18, 2010.

The “Notice of Intent” to adopt the proposed rule amendment was posted to the INDIANA REGISTER database website as 20100811-IR-312100501NIA on August 11, 2010. The notice identified Linnea Petercheff, Department of Natural Resources, Division of Fish and Wildlife, as the “small business regulatory coordinator” for purposes of Indiana Code § 4-22-2-28.1.

As specified by Executive Order, proposed fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the Office of Management and Budget on August 12, 2010. In a letter dated September 21, 2010, Christopher A. Ruhl, Director, Office of Management and Budget, recommended that the proposed rule amendments be approved.

The NRC Division of Hearings submitted the rule proposal to the Legislative Services Agency (*LSA*) along with the “Statement Concerning Rules Affecting Small Business” (also known as the “Economic Impact Statement”) on September 28, 2010. The Notice

of Public Hearing was submitted to LSA on October 4, 2010. The Notice of Public Hearing, along with the Economic Impact Statement and the text of the proposed rule was posted to the INDIANA REGISTER database website on October 13, 2010 as 20101013-IR-312100501PHA. Following receipt of an “Authorization to Proceed” from LSA on October 4, 2010, the NRC Division of Hearings also caused a Notice of Public Hearing to be published by the Indianapolis Newspapers, a newspaper of general circulation in Marion County Indiana, on October 18, 2010. In addition, the notice of the public hearing and a summary of the proposed rule changes were published on the Commission’s web-based electronic calendar.

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

The public hearing was conducted as scheduled on December 9, 2010 at 1:30 p.m. at the Indiana Government Center North, Room N501, 100 North Senate Avenue, Indianapolis, Indiana. Sandra L. Jensen was present to conduct the public hearing. Linnea Petercheff also attended.

Three members of the public participated in the public hearing and the comments received are attached as Exhibit A and are incorporated by reference.

b) Comments Received Outside Public Hearing

Written public comments were received from approximately May 18, 2010 until December 10, 2010. These written comments are attached to this report as Exhibit B and are incorporated by reference.

c) Response by the Department of Natural Resources

The Department of Natural Resources responded to the public comments on December 16, 2010. A copy of the Department’s response is attached as Exhibit C, and is incorporated by reference

3. ANALYSIS AND RECOMMENDATION

The proposed amendments alter the definition of “cast net” at 312 IAC 9-6-1 to allow the use of larger diameter cast nets and add specifications for cast nets used on waters where gizzard shad and threadfin shad will be allowed to be collected and used under the proposed amendments to 312 IAC 9-6-8. Because the proposal allows the collection and use of live threadfin shad on specified bodies of water, it was necessary to clearly identify that species through a definition that was added at 312 IAC 9-6-1. Also proposed is an

amendment to 312 IAC 9-6-8 to allow for the collection and use of alewife as bait on Lake Michigan.

In allowing the collection and use of gizzard shad and threadfin shad on certain lakes, reservoirs and a specified section of the Ohio River and allowing the collection and use of alewife in Lake Michigan, the Department clearly allows only existing shad and alewife to be collected and requires that all of the species collected and not used be killed. The rule also clearly prohibits the transport of these species away from the body of water from which they are collected and the possession of these species at any body of water not listed. The rule proposal also requires shad and alewife collected at all other bodies of water to be killed immediately.

The amendment of the definition of “cast net” necessitated contemporaneous amendments to 312 IAC 9-7-16 and 312 IAC 9-9-2.

The majority of the public comments support the adoption of this proposed rule.

A few individuals requested that the ability to collect and use gizzard shad and threadfin shad for Musky fishing on lakes such as Webster Lake, Lake Tippecanoe and James Lake. One individual and the Department in its response noted that the use of live shad for Musky fishing would increase the number of “gut hooked” Muskies. The Department noted that artificial baits work well with Muskies and “the use of live gizzard shad is not warranted.”

The rule proposed by the Department, as attached at Exhibit D and incorporated into this report, is recommended for final adoption without revision.

Dated: December 17, 2010

Sandra L. Jensen
Hearing Officer

“Exhibit A”

Public Hearing Comments

Bill Linkel; Batesville, IN; Indiana Striped Bass Association

Linkel stated that approximately five years ago he sent letters to Department staff proposing a revision to the existing rules that would allow live shad to be used as bait on certain specified lakes. He later worked with Brian Schoening to develop this rule proposal, which is very close to what he proposed in his initial correspondence. Linkel stated that on his own behalf and on behalf of the Indiana Striped Bass Association, he is satisfied with the rule proposal and fully supports the adoption of the rule. In his comment, Linkel referenced a petition that was submitted to the Natural Resources Advisory Council in October 2009, reflecting approximately 500 people who supported this rule proposal. That petition has been attached as Exhibit A1.

Greg Yazel; Greensburg, IN

Yazel explained his opinion that by allowing the use of live shad for bait more people will catch more fish, which will increase interest in Indiana fishing and help the fishery in the long run. He noted that other states allow fishing with live shad and many who fish for striped bass travel out-of-state to fish, which is a loss of revenue for Indiana.

Doug Struewing; Muncie, IN

Struewing observed that it is very natural to catch the bait you fish with. He noted that most people who fish for striped bass are conservationists who practice catch and release. He reiterated that presently people do go out-of-state to fish for striped bass because other states allow the use of live shad for bait.

“Exhibit A1”

DNR Petition

I am requesting a change in the bait fishing regulation on Indiana Striper and Hybrid Striper Lakes. I would like to see all Striper and Hybrid Striper Lakes changed so we can use live shad for bait. This would be the same Department of Natural Resources rule now in effect for Brookville Lake, which also has Stripers.

Greg S. Struening
 Todd Giesler
 David Weigel
 Dan Weigel
 Shelley Borchert
~~John E. Cook~~
 John E. Cook
 Nick Nank
 Richard Becker
 Day Schumy
 R.J. Rly
 John Borchert
 Don Fulk
 Nancy Koon
 David Johnson
 C. J. Schuman
 Andy Kruthaupt

Logan Schuering
 Tom Weigel
 Andrew Weigel
 Anna M. Jones
 Len Norbe
 Len Norbe
 Tom Norbe
 Nancy Melibe
 Jeff Norbe
 Jan Norbe
 Linda Lake
 James Anderson
 Philip Blanton
 Albert F. Meyer
 Jim Blanton
 A.J. Shin
 Alex S. Hedberg
 Gary Bebel

DNR Petition

I am requesting a change in the bait fishing regulation on Indiana Striper and Hybrid Striper Lakes. I would like to see all Striper and Hybrid Striper Lakes changed so we can use live shad for bait. This would be the same Department of Natural Resources rule now in effect for Brookville Lake, which also has Stripers.

Susan Olip
 Christo Cullen
 Doug Bogman
 Betty Marx
 [Signature]
 Amanda Meyer
 Chelly Bath
 Sherrie Halpin
 Louis Zimmer
 John [Signature]
 Aaron Orloff
 Donnie Kothale
 Mark J. Bedel
 David P. Holman
 Vally Harg
 Chris Smith
 Sally Meyer
 Dale [Signature]

Katrina Thurman
 Jamie Weber
 [Signature]
 Anna [Signature]
 Kimberly Shefferson
 Mustang Williams
 [Signature]
 Cheryl Adams
 Melissa Hartman
 [Signature]
 Becky Grant
 Tricia Short
 Rosie Kochar
 [Signature]
 [Signature]
 [Signature]
 Sunny Mayfield
 Ryan Cullen

DNR Petition

I am requesting a change in the bait fishing regulation on Indiana Striper and Hybrid Striper Lakes. I would like to see all Striper and Hybrid Striper Lakes changed so we can use live shad for bait. This would be the same Department of Natural Resources rule now in effect for Brookville Lake, which also has Stripers.

Dan Spina
 Dwight Suding
 L. P. Ford
 Kim Smith
 James L. Mark
 James L. Lutz
 Dee Linkel
 Bill Linkel
 Russ Nite
 Ken Nite
 Dennis Klobb
 Chris Linkel
 John Baker
 Bud Nite
 Madison McGeehan
 Gary A. Nite
 Rachael Brock
 Sheryl McHenry

Rod Jones
 Bill Breen
 Bill Anderson
 Joe Winkler
 Arthur Grandell
 Carmen Jones
 Monte Clark
 Nathan Hightower
 Jeff Nite
 Bethany Nite
 Marty Baker
 John Anderson
 Charlie Ambrey
 Gary Nite
 Richard Linkel
 Amanda Riehl
 Jean Linkel

DNR Petition

I am requesting a change in the bait fishing regulation on Indiana Striper and Hybrid Striper Lakes. I would like to see all Striper and Hybrid Striper Lakes changed so we can use live shad for bait. This would be the same Department of Natural Resources rule now in effect for Brookville Lake, which also has Stripers.

Becky Noble
 Joyce Shush
 Becky Moore
 Nicole Hunter
 Shannon Gellert
 Amy Meador
 Kate Hukter
 Lawrence Hoffman
 Brad Ruesse
 Brandon Peters
 Edwin Timke
 Dana Hoff
 Pat Hoegeman
 Phil Hoegeman
 Linda Dierckman
 Jeff O'Keefe
 Jeff Simmlinger
 P. Love D

Amanda Burrell
 Lisa Eldridge
 Dawn Spurlack
 Lisa Spurlack
 Nancy Davis
 Heidi King
 Becky Studley
 Ben Hur
 Ruth Martin
 Christy Russell
 Sue Tuley
 Janet Spengler
 Amanda Benham
 Mary Voggans
 Brenda Schual
 Ray Wademan
 Erin Butth
 Chassi Lecker

DNR Petition

I am requesting a change in the bait fishing regulation on Indiana Striper and Hybrid Striper Lakes. I would like to see all Striper and Hybrid Striper Lakes changed so we can use live shad for bait. This would be the same Department of Natural Resources rule now in effect for Brookville Lake, which also has Stripers.

Amy Walters
 Kent Mauer
 James L. Dreyer
 Amy L. Buckley
 Charles B.
 Ben Hodder
 Scott Miller
 J. M. Heddley
 Mark Schott
 David Schott
 M. A.
 Brad Wolton
 Clinton
 Charles B. Dunder
 Ronni Swann
 Phil Ho

Carl
 Eric T. Sandoz
 Paul Reese
 Jeff Chaffee
 Dan Kog
 Jerry Mank
 Nancy Mauro
 John Smith
 Brandy Weferick
 Mary Walters
 Lindsey L. King
 T. J. Park
 Brian Meyer
 John S. S. S.
 Randy S. S.
 S. S. S.
 S. S. S.

DNR Petition

I am requesting a change in the bait fishing regulation on Indiana Striper and Hybrid Striper Lakes. I would like to see all Striper and Hybrid Striper Lakes changed so we can use live shad for bait. This would be the same Department of Natural Resources rule now in effect for Brookville Lake, which also has Stripers.

[Signature]
[Signature]
 Evan Fouse
 Steve Spencer
 Carol Spencer
 Don Lamb
 Juanita Linkel
 Casals Hall
 Brian Caldwell
 [Signature]
 Bob Hunge
 Connie Hunge
 Barbara Cade
 Nikki Hanger
 Cyle Ector
 BJR
 Arthur Thomas
 Jay Palmer

Melina Caldwell
 Lee Winstfield
 Connie Winstfield
 Melissa Peltus
 Amy Linkel
 Megan Linkel
 Ryan Linkel
 Anna Linkel
 [Signature]
 Leonard Winstfield
 Wanda Linkel
 Alex Cunningham
 Tracy Cunningham
 Harold Cunningham
 Lisa Thomas
 Melina Thomas
 Richard Thomas
 [Signature]

“Exhibit B”

Comments Received Outside the Public Hearing:

Steve Scudder, Ripley County, IN (July 7, 2010)

The existing rule banning the use of gizzard shad needs to be changed. For what reason should a native fish that is fed on by game fish daily not be legal to use in Indiana waters??? It really just don't make any sense.

Jacob Roach, Danville, IN (July 7, 2010)

Being a serious hobby fisherman I am happy to see all of these proposed changes. They make good sense and do not cause any damage to the lake and stream ecosystems.

Thomas Green, Marion County, IN (July 7, 2010)

I support and am in favor of the proposed change(s) to this law.

Bobby Joe Edgar, Rockville, IN (July 7, 2010)

I would like to see the gizzer shad amendment passed.

Thomas Frank, Fishers, IN (July 7, 2010)

I am un favor if this proposed rule. The recent changes will be great for the growth of our Indiana fisheries.

A Shay Vandivier, Parke, IN (July 7, 2010)

I am in favor of using live shad as bait on bodies of water where shad are established if the shad are caught on that body of water.

Douglas S. Struewing, Delaware Co. / Muncie, IN (July 8, 2010)

I strongly support the change that allows for gizzard shad collection and their use as bait on the Indiana lakes identified. I also support the change in the allowable size of a cast net. I am an avid fisherman and feel the proposed changes will enhance the fishing experience without any negative effects on the lakes. There is nothing more enjoyable than netting your own bait before dawn and presenting it to the fish as the sun rises. I'll no longer have to buy shiners of all variety and transport them to the lakes I fish. I feel the new regulations on shad will also be easier to enforce than the old law that allows you to possess live shad but not use it as bait unless it is dead. Cutting down on the transport of shad from one lake to another is important. The new reg. will do a good job of protecting the fisheries as well as allowing for a natural fishing experience.

Jeffery Yarber, Indianapolis, IN, Indiana Striped Bass Association (July 8, 2010)

I am in favor of passing the gizzard shad amendment allowing them for use as live bait as outlined in the amendment.

Larry Steven Kriete, Seymour, Indiana Striped Bass Association, IN (July 9, 2010)

I am for the proposed Gizzard Shad amendment.

Jeff Odom, Boone County, IN, ISBA (July 12, 2010)

I am for the changes in shad usage, and cast net size. I am in favor!

Warren Jaye Porter, Indianapolis, IN (July 12, 2010)

I strongly agree with the changes to the gizzard shad amendments .

Greg Yazel, Decatur County, IN, ISBA (July 17, 2010)

I approve as it is written.

Steven Acton, Jackson, IN (July 21, 2010)

I see nothing wrong with using live shad as long as they are used in the same waters that they were captured.

Zachary Ross, Shelby, IN (July 24, 2010)

I think this is a beneficial change that will help improve Indiana fisheries

Tim Pickering, Allen, IN (July 24, 2010)

There are many more reservoirs and lakes that contain, huge populations of shad, and all should be added to the list. I know it would be a long list but regulations like this should be for everyone, not just the big popular waterways to be fair.

Vince Weirick, (Vince Weirick Guide Service) Kosciusko, IN (July 24, 2010)

Muskies were first introduced for a number of reasons. One of those reasons was to help reduce the number of gizzard shad. Can this amendment have lakes (i.e. Webster, Tippecanoe, Barbee, etc.)included into the amendment for live shad to be used in those lakes?

William Bennett (Hoosier Heartland Guide Service / Webster Lake Musky Club) Syracuse, IN (July 25, 2010)

These lakes need to be added to the list of lakes that you may use gizzard shad for bait. Webster lake, the barbee chain , Lake Tippecanoe and James Lake (Little Tippi) these lake all have musky in them and that is primarily their food source. we already are allowed to fish with live bait like bluegill, as long as they are caught in the same lake that we are using them , and suckers that cost us around 5 dollars each. These lakes already have a over abundance of shad in them . There have been several times I can say that on the barbee chain the shad would chase the baits that we were throwing . These lakes have a ton of them and using them for musky would be a added thing to our arsenal of ways to catch them.

Jay Lucas, London, KY (July 25, 2010)

I am of mixed opinion on the live shad as bait idea. Yes for general fishing, NO for musky water. Too much chance of gut hooking and killing musky. Shad go down so easily and quickly, they will get swallowed, with ensuing hook damage attrition to the population. With heavy populations, multiple fishing methods available, including trolling and other live baits, do you need to make it easier to catch what should be a trophy fish?

Paul A. Zink, Hamilton County, IN (July 25, 2010)

I believe a fisherman should be able to catch and use live shad in any lake that contains them. Using them only in the same lake they were caught in and not transported live to any other waters.

Thomas Hulbert, Indianapolis, IN (July 26, 2010)

I am against increasing the use of Gizzard Shad for live bait use. I believe it's allowed on a few bodies of water and I would NOT like to see that expanded. Muskies rely on shad to eat..we if we start to condition them to not eat shad, I believe we'd see muskies a little less healthy.

I vote/comment AGAINST increasing the range of live shad for bait.

Commentor Name Bryan Pucka

Commentor County 64

Commentor State IN

Commentor City Hebron

Commentor Organization

Comment I think it is a really bad idea to let people start to use live shad as bait at other lakes. I feel that the few fisherman that would abuse the rules and transport live shad is not worth the risk of the rule change. THERE ARE PLENTY OF OPTIONS TO CATCH FISH WITHOUT THE USE OF LIVE SHAD.

Commentor Name darren w berry

Commentor County 67

Commentor State IN

Commentor City greencastle

Commentor Organization

Comment please include cagles mill in place you can catch and fish with shad

Commentor Name Dan Wagoner

Commentor County 53

Commentor State IN

Commentor City Bloomington

Commentor Organization ISBA

Comment Just want to give a thumbs up to the proposed changes to the rules regarding live gizzard shad and the size of cast nets...Please make haste in approving these amendments. Thank You

“Exhibit C”

DNR RESPONSE

The DNR is being responsive to public requests for the ability to use live gizzard shad as bait in additional locations, but has proposed some limitations to prevent the spread of these species to other bodies of water where they can negatively affect sportfish populations. Gizzard shad are known to exist at these eight (8) bodies of water proposed in the rule, and anglers can catch shad in these waters. Shad are an important tool for catching striped bass/hybrid striped bass.

Threadfin shad are included in this rule because they are a related species that look similar to gizzard shad. Restricting live shad use to the named waters and prohibiting their transportation not only prevents unintended shad introductions but also reduces the risk of bringing unwanted species into the named waters. For example, small Asian carp look similar to shad and may be found concentrated below dams. One comment mentioned adding Cagles Mill Lake to the list, but hybrid striped bass are no longer stocked there and few, if any, hybrid striped bass remain. Prohibiting the collection and transportation of live gizzard and threadfin shad from such areas to other waters for bait reduces the risk of spreading these nuisance species. This current proposal is a measured, considered approach to serve anglers at locations with successful striped bass/hybrid striped bass populations, while limiting the likelihood of moving live gizzard shad to other locations.

The DNR does not believe that the use of live gizzard shad should be allowed in any of the public freshwater lakes in the north, such as Lake Webster, even though gizzard shad may be present in the lake. The intended use at these lakes would be for the purpose of catching muskies. Using a live bait to catch a muskie increases the likelihood of gut-catching one, and there is a thirty-six (36) inch size limit. Furthermore, many muskie anglers catch and release muskies on site, even if the muskie is greater than 36 inches in length, in order to provide greater muskie-fishing opportunities in the future. Artificial baits are an effective tool to catch muskies, and the use of live gizzard shad is not warranted. Furthermore, with the large number of public freshwater lakes nearby, some of which do not have gizzard shad, the DNR does not want to allow the use of live gizzard shad at any of the public freshwater lakes. Anglers could easily transport them to another nearby lake, although it would be illegal, and either unintentionally or intentionally introduce gizzard shad to the lake. Allowing some public freshwater lakes in one particular county to use live gizzard shad as bait, yet prohibiting its use at other lakes in the same county, could also create confusion for anglers. The DNR is also not certain that there would be support from muskie anglers and organizations that represent muskie anglers throughout the state if live gizzard shad were allowed to be used at these additional locations.

“Exhibit D”

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #10-501

DIGEST

Amends 312 IAC 9-6-1 to change the size of cast nets and add a definition of threadfin shad. Amends 312 IAC 9-6-8 governing the use of gizzard shad, threadfin shad, and alewife. Amends 312 IAC 9-7-16 governing the use of cast nets for collecting fish on the Ohio River. Amends 312 IAC 9-9-2 governing the use of cast nets for collecting crayfish on the Ohio River. Effective 30 days after filing with the Publisher.

SECTION 1. 312 IAC 9-6-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-1 Definitions pertaining to fish and fishing activities

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-34-12

Sec. 1. In addition to the definitions in 312 IAC 9-1, the following definitions apply throughout this rule **and** 312 IAC 9-7 ~~312 IAC 9-8, 312 IAC 9-9 and~~ **through** 312 IAC 9-10:

- (1) "Alewife" means the species *Alosa pseudoharengus*.
- (2) "American eel" means the species *Anguilla rostrata*.
- (3) "Aquarium pet trade" means the business of importing, producing, or selling live fish for display in:
 - (A) aquariums;
 - (B) tanks; or
 - (C) other continuing exhibits.
- (4) "Atlantic salmon" means the species *Salmo salar*.
- (5) "Bar mesh" means the length of one (1) side of the square mesh measure or as measured between two (2) knots on the same line.
- (6) "Bighead carp" means the species *Hypophthalmichthys nobilis*.
- (7) "Black bass" means the **following** species:
 - (A) *Micropterus salmoides*.
 - (B) *Micropterus dolomieu*. ~~and~~
 - (C) *Micropterus punctulatus*.
- (8) "Black carp" means the species *Mylopharyngodon piceus*.
- (9) "Black crappie" means the species *Pomoxis nigromaculatus*.
- (10) "Blue catfish" means the species *Ictalurus furcatus*.
- (11) "Bluegill" means the species *Lepomis macrochirus*.

- (12) "Bluntnose minnow" means the species *Pimephales notatus*.
- (13) "Bowfin" means the species *Amia calva*.
- (14) "Brook trout" means the species *Salvelinus fontinalis*.
- (15) "Brown trout" means the species *Salmo trutta*.
- (16) "Buffalo" means the genus *Ictiobus*.
- (17) "Bullhead" means the **following** species:
 - (A) *Ictalurus melas*.
 - (B) *Ictalurus nebulosus*. ~~and~~
 - (C) *Ictalurus natalis*.
- (18) "Burbot" means the species *Lota lota*.
- (19) "Carp" means the species *Cyprinus carpio*.
- (20) "Cast net" means a net:
 - (A) not more than ~~ten (10)~~ **twenty (20)** feet in diameter; and
 - (B) having stretch mesh not larger than three-fourths (3/4) inch; **or**
 - (C) **having stretch mesh not larger than two (2) inches if used only on the waters listed in section 8(b)(1) of this rule.**
- (21) "Cavefish" means a fish of the family Amblyopsidae.
- (22) "Chain pickerel" means the species *Esox niger*.
- (23) "Channel catfish" means the species *Ictalurus punctatus*.
- (24) "Chinook salmon" means the species *Oncorhynchus tshawytscha*.
- (25) "Chub" means the **following** species:
 - (A) *Coregonus hoyi*. ~~and~~
 - (B) *Coregonus kiyi*.
- (26) "Cisco" means the species *Coregonus artedii*.
- (27) "Closed aquaculture system" means a rearing facility designed to prevent the escape of cultured organisms to the wild.
- (28) "Coho salmon" means the species *Oncorhynchus kisutch*.
- (29) "Crappie" means **the following**:
 - (A) White crappie. ~~and~~
 - (B) Black crappie.
- (30) "Dip net" means a dip net:
 - (A) not exceeding three (3) feet square;
 - (B) without sides or walls; and
 - (C) having stretch mesh not larger than one-half (1/2) inch.
- (31) "Diploid" means a cell or organism that has two (2) complete sets of chromosomes.
- (32) "Exotic catfish" means a walking catfish or other member of the family Clariidae.
- (33) "Exotic fish" means:
 - (A) an exotic catfish;
 - (B) a bighead carp;
 - (C) a black carp;
 - (D) a silver carp;
 - (E) a white perch;
 - (F) a snakehead;
 - (G) a rudd;
 - (H) a ruffe;
 - (I) a tubenose goby;

- (J) a round goby; or
- (K) a hybrid or genetically altered fish of any of these species.
- (34) "Fathead minnow" means the species *Pimephales promelas*.
- (35) "Flathead catfish" means the species *Pylodictis olivaris*.
- (36) "Freshwater drum" means the species *Aplodinotus grunniens*.
- (37) "Gaff" or "gaff hook" means an implement:
 - (A) of metal or another hard or tough material;
 - (B) with or without barbs;
 - (C) making a single hook having a shank with or without a handle; and
 - (D) that may be hand held to seize, hold, or sustain fish.
- (38) "Gar" means the genus *Lepisosteus*.
- (39) "Genetically altered fish" means a fish that is the product of genetic manipulation, including polyploidy, gynogenesis, gene transfer, and hormonal sex control.
- (40) "Gizzard shad" means the species *Dorosoma cepedianum*.
- (41) "Golden shiner" means the species *Notemigonus crysoleucas*.
- (42) "Goldfish" means the species *Carassius auratus*.
- (43) "Grab hook" means a device or implement used as a tong to clutch, close down upon, or grasp fish.
- (44) "Grass carp" means the genus *Ctenopharyngodon*.
- (45) "Green sunfish" means the species *Lepomis cyanellus*.
- (46) "Hybrid striped bass" means the hybrid of striped bass and white bass.
- (47) "Hybrid sunfish" means a hybrid of the genus *Lepomis*.
- (48) "Lake herring" means the species *Coregonus artedii*.
- (49) "Lake sturgeon" means the species *Acipenser fulvescens*.
- (50) "Lake trout" means the species *Salvelinus namaycush*.
- (51) "Lake whitefish" means the species *Coregonus clupeaformis*.
- (52) "Largemouth bass" means the species *Micropterus salmoides*.
- (53) "Minnow seine" means a seine or net:
 - (A) not more than twelve (12) feet long and four (4) feet deep; and
 - (B) having stretch mesh not larger than one-half (1/2) inch.
- (54) "Minnow trap" means a fish trapping device not exceeding twenty-four (24) inches long. The opening of the throat shall not exceed one (1) inch in diameter.
- (55) "Mosquitofish" means the species *Gambusia affinis*.
- (56) "Muskellunge" means the species *Esox masquinongy*.
- (57) "Northern pike" means the species *Esox lucius*.
- (58) "Quagga mussel" means the species *Dreissena bugensis*.
- (59) "Paddlefish" means the species *Polyodon spathula*.
- (60) "Rainbow trout" means the species *Oncorhynchus mykiss*.
- (61) "Redear sunfish" means the species *Lepomis microlophus*.
- (62) "Rock bass" means the species *Ambloplites rupestris*.
- (63) "Round goby" mean the species *Neogobius melanostomus*.
- (64) "Rudd" means the species *Scardinius erythrophthalmus*.
- (65) "Ruffe" means the species *Gymnocephalus cernuus*.
- (66) "Sauger" means the species *Stizostedion canadense*.
- (67) "Saugeye" means the hybrid of walleye and sauger.
- (68) "Shad" means the **following** genera:

- (A) Alosa. ~~and~~
- (B) Dorosoma.
- (69) "Shovelnose sturgeon" means the species Scaphirhynchus platyrhynchus.
- (70) "Silver carp" means the species Hypophthalmichthys molitrix.
- (71) "Single hook" means a fishing hook consisting of **the following**:
 - (A) One (1) shank. ~~and~~
 - (B) One (1) point.
- (72) "Smallmouth bass" means the species Micropterus dolomieu.
- (73) "Smelt" means the genus Osmerus.
- (74) "Snakehead" means all species of the family Channidae, including the **following** genera:
 - (A) Channa. ~~and~~
 - (B) Parachanna.
- (75) "Sockeye salmon" means the species Oncorhynchus nerka.
- (76) "Sport fish" means any of the following:
 - (A) Largemouth bass.
 - (B) Smallmouth bass.
 - (C) Spotted bass.
 - (D) Rock bass.
 - (E) White crappie.
 - (F) Black crappie.
 - (G) Walleye.
 - (H) Sauger.
 - (I) Saugeye.
 - (J) Striped bass.
 - (K) White bass.
 - (L) Hybrid striped bass.
 - (M) Yellow bass.
 - (N) Muskellunge.
 - (O) Tiger muskellunge.
 - (P) Northern pike.
 - (Q) Chain pickerel.
 - (R) Trout or salmon.
- (77) "Spotted bass" means the species Micropterus punctulatus.
- (78) "Steelhead" means the species Oncorhynchus mykiss.
- (79) "Stretch mesh" means the extended distance or length between the extreme angles of a single mesh of net.
- (80) "Striped bass" means the species Morone saxatilis.
- (81) "Sucker" means the following genera:
 - (A) Carpiodes.
 - (B) Moxostoma.
 - (C) Hypentelium.
 - (D) Catostomus.
 - (E) Erimyzon.
- (82) "Threadfin shad" means the species Dorosoma petenense.**
- ~~(82)~~ **(83) "Tiger muskellunge" means the hybrid of muskellunge and northern pike.**

- ~~(83)~~ **(84)** "Tilapia" means all species of the genus Tilapia.
- ~~(84)~~ **(85)** "Triploid" means a cell or organism having three (3) haploid sets of chromosomes.
- ~~(85)~~ **(86)** "Trout or salmon" means the following:
- (A) Lake trout.
 - (B) Coho salmon.
 - (C) Chinook salmon.
 - (D) Sockeye salmon.
 - (E) Brown trout.
 - (F) Steelhead (or rainbow trout).
 - (G) Brook trout.
 - (H) Atlantic salmon.
- ~~(86)~~ **(87)** "Tubenose goby" means the species *Proterorhinus marmoratus*.
- ~~(87)~~ **(88)** "Walleye" means the species *Stizostedion vitreum*.
- ~~(88)~~ **(89)** "Warmouth" means the species *Lepomis gulosus*.
- ~~(89)~~ **(90)** "White bass" means the species *Morone chrysops*.
- ~~(90)~~ **(91)** "White catfish" means the species *Ictalurus catus*.
- ~~(91)~~ **(92)** "White perch" means the species *Morone americana*.
- ~~(92)~~ **(93)** "White crappie" means the species *Pomoxis annularis*.
- ~~(93)~~ **(94)** "Yellow bass" means the species *Morone mississippiensis*.
- ~~(94)~~ **(95)** "Yellow perch" means the species *Perca flavescens*.
- ~~(95)~~ **(96)** "Zebra mussel" means the species *Dreissena polymorpha*.

(Natural Resources Commission; 312 IAC 9-6-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3866; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 2. 312 IAC 9-6-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-6-8 Carp and gizzard shad as bait

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 8. (a) An individual must not use live carp as bait.

(b) An individual must not use live gizzard shad **or threadfin shad** as bait except ~~at~~ **as follows:**

(1) An individual may collect live gizzard shad or threadfin shad for use as bait only from the following:

(A) Brookville Reservoir.

(B) Cecil M. Harden Reservoir.

(C) Monroe Reservoir.

(D) Patoka Reservoir.

(E) Lake Freeman.

(F) Lake Shafer.

(G) Hardy Lake.

(H) The Ohio River main stem, excluding all embayments.

(2) An individual:

(A) may use the live gizzard shad and threadfin shad as bait only within the body of water where it is collected; and

(B) must not transport live gizzard shad and threadfin shad from the body of water where collected.

(c) An individual must:

(1) kill any live gizzard shad or threadfin shad collected for bait and not used; and

(2) immediately kill gizzard shad and threadfin shad collected at waters not listed in subsection (b)(1).

(d) An individual must not possess live gizzard shad or threadfin shad at waters other than those listed in subsection (b)(1).

(e) An individual may collect live alewife from Lake Michigan for use as bait only on Lake Michigan.

(f) An individual must:

(1) not transport live alewife from Lake Michigan;

(2) kill any live alewife collected for bait and not used; and

(3) immediately kill alewife collected from waters other than Lake Michigan.

(g) An individual must not possess live alewife other than on Lake Michigan.

(Natural Resources Commission; 312 IAC 9-6-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 3. 312 IAC 9-7-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-16 Sport fishing on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 16. (a) This section governs fishing on the Ohio River, excluding all bays and tributaries.

(b) An individual must not take sport fish except by any of the following:

- (1) Fishing pole or hand line.
- (2) Float fishing.
- (3) Setlines:
 - (A) attached to:
 - (i) a tree limb;
 - (ii) a tree trunk;
 - (iii) a bank pole; or
 - (iv) the bank itself; and
 - (B) each bearing one (1) single or multibarbed hook.
- (4) Not more than two (2) trotlines per individual. Each trotline shall have not more than fifty (50) single or multibarbed baited hooks placed not closer together than eighteen (18) inches. All trotlines must be tended at least once every twenty-four (24) hours.

(c) An individual may take an exempted species of fish as defined in 312 IAC 9-6-10, by the methods prescribed in subsection (b) or according to the following methods:

- (1) Long bow, including compound bow, with an arrow having one (1) or more barbs and a line attached. An exempted species of fish without scales shall not be taken with bow and arrow during nighttime hours (from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise).
- (2) Giggling from February 1 through May 10 with any pronged or barbed instrument attached to the end of a rigid object. A person must not take fish by giggling from a boat or platform.

(d) An individual must not take fish within two hundred (200) yards below any dam on the Ohio River except by fishing pole or hand line.

(e) An individual must not take minnows from the Ohio River except by:

- (1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor having a throat opening greater than one (1) inch in diameter;
- (2) a dip net not to exceed three (3) feet in diameter;
- (3) a minnow seine not to exceed thirty (30) feet long and six (6) feet deep nor having mesh size larger than one-fourth (1/4) inch bar mesh;
- (4) a cast net; ~~not to exceed nine (9) feet in diameter nor having mesh size larger than three eighths (3/8) inch bar mesh;~~ or
- (5) lawful fishing methods provided in this section.

(f) An individual may take fish in the Ohio River only by sport fishing methods authorized under this section as follows:

	Daily Bag	Possession Limit	Size (Inches)
Bass (largemouth, smallmouth, and spotted)	6	12	12 (except no size limit on spotted bass)
Bass (white, yellow, striped, and hybrids)	30	60	Not more than 4 fish can be 15 or longer
Rock bass	15	30	none

Walleye, sauger, and saugeye	10	20	none
Muskellunge and tiger muskellunge	2	2	30
Crappie	30	60	none

(Natural Resources Commission; 312 IAC 9-7-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; errata filed Nov 24, 1997, 4:30 p.m.: 21 IR 1347; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)

SECTION 4. 312 IAC 9-9-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-9-2 Crayfish

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) An individual may take crayfish at any time of year.

(b) An individual must not take crayfish except by:

- (1) a minnow trap;
- (2) a dip net;
- (3) a minnow seine;
- (4) hands;
- (5) a cast net;
- (6) lawful sport fishing methods provided in 312 IAC 9-7; **or**
- (7) methods authorized under a scientific purposes license under 312 IAC 9-10-6.

(c) An individual must not transport beyond the limits of this state more than one hundred (100) crayfish in a twenty-four (24) hour period, provided that this subsection does not apply to a person engaged in commercially raising crayfish in private waters for sale.

(d) An individual must not take crayfish unless the individual is:

- (1) issued a sport fishing license under IC 14-22-12-1;
- (2) issued a scientific purposes license under 312 IAC 9-10-6; **or**
- (3) taking crayfish without a license under IC 14-22-11-1 and 312 IAC 9-2-14.

(e) An individual may use the aid of illumination from:

- (1) a spotlight;
 - (2) a search light; **or**
 - (3) an artificial light;
- to take crayfish.

- (f) An individual must not take crayfish from the Ohio River except by:
- (1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor have a throat opening greater than one (1) inch in diameter;
 - (2) a dip net not to exceed three (3) feet in diameter;
 - (3) a minnow seine not to exceed thirty (30) feet in length and six (6) feet in diameter nor have a mesh size larger than one-fourth (1/4) inch bar mesh;
 - (4) a cast net; ~~not to exceed nine (9) feet in diameter nor have a mesh size larger than three eighths (3/8) inch bar mesh;~~
 - (5) lawful sport fishing methods provided in 312 IAC 9-7-17(b); or
 - (6) methods authorized under a scientific purposes license under 312 IAC 9-10-6.

(g) A person must not sell crayfish unless the person is issued a bait dealer's license under IC 14-22-16.

(Natural Resources Commission; 312 IAC 9-9-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2726; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)